

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORDAN K.,

Plaintiff,

-v-

5:24-CV-266

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

LEGAL AID SOCIETY OF MID-NY
Attorneys for Plaintiff
Legal Aid of Mid-NY
221 S. Warren Street, Suite 310
Syracuse, NY 13202

RAYMOND O. RECCHIA, ESQ.

SOCIAL SECURITY
ADMINISTRATION
Attorneys for Defendant
6401 Security Boulevard
Baltimore, MD 21235

JASON P. PECK, ESQ.

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On February 23, 2024, plaintiff Jordan K. (“plaintiff”) filed this 42 U.S.C. § 405(g) action seeking judicial review of a final decision by the Commissioner

of Social Security (the “Commissioner” or “Defendant”) denying his application for disability benefits.¹ Dkt. No. 1. A briefing schedule was set. Dkt. No. 4. The parties filed their respective memoranda—treated as motions for judgments on the pleadings under Federal Rule of Civil Procedure (“Rule”) 12(c) pursuant to General Order 18. Dkt. Nos. 15, 17.

On December 2, 2024, Judge Dancks advised by Report & Recommendation (“R&R”) that plaintiff’s motion be denied, that defendant’s motion be granted, and that the Commissioner’s decision be affirmed. Dkt. No. 18. Neither party has lodged objections.

Upon review for clear error, Judge Dancks’s R&R will be adopted in all respects. *See* FED. R. CIV. P. 72(b). In the R&R, Judge Dancks reasoned that the Administrative Law Judge (“ALJ”) properly applied the five-step sequential evaluation process promulgated by the Commissioner for adjudicating disability claims. Dkt. No. 18. Judge Dancks further advised that the ALJ had properly developed and considered the record in making its determination. *Id.*

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 18) is ACCEPTED;

¹ Along with his complaint, plaintiff also moved to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 3. On February 28, 2022, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff’s IFP Application. Dkt. No. 7.

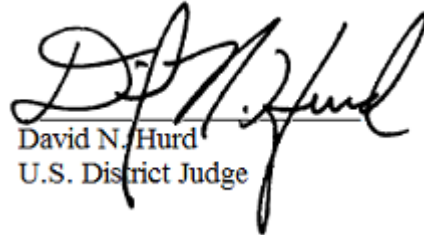
2. Plaintiff's motion for a judgment on the pleadings (Dkt. No. 15) is DENIED; and

3. Defendant's motion for judgment on the pleadings (Dkt. No. 17) is GRANTED;

4. The final decision of the Commissioner is AFFIRMED.

The Clerk of the Court is directed to terminate the pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: December 19, 2024
Utica, New York.